



02/22/02 WED 00:57 FAX 845 628 6197

Ronald Drumheller, Jr.

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Docket No. JP920000468US

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## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### VARIABLE SPEED DISK DRIVE AND METHOD OF CONTROLLING THE DISK DRIVE FROM RECORDED DRIVE-SPEED FORMAT INFORMATION

the specification of which is attached hereto unless the following box is checked:

was filed on January 31, 2002

as United States Application Number or PCT International Application Number 10/066,128  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.58.

I hereby claim foreign priority benefits under 35 USC §119(a-d) or §385(b) of any foreign application(s) for patent or inventor's certificate, or §385(e) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s):

#### Priority Claimed

2001-023391  
(Number)

JAPAN  
(Country)

January 31, 2001  
(Day/Month/Year Filed)

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

#### Provisional Application(s):

(Application Number)

(Filing Date)

I hereby claim the benefit under 35 USC §120 of any United States application(s), or §385(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

#### Power of Attorney:

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Thomas R. Berthold  
Daniel E. Johnson  
Alison D. Mortinger

(#28,689)  
(#37,033)  
(#39,306)

T. Rao Coca  
Marc D. McSwain  
Khanh Q. Tran

(#29,784)  
(#44,929)  
(#41,352)

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## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Address all telephone calls to:

Ronald Drumheller, Esq.

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Address all correspondence to:

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94 Teakettle Spout Road  
Mahopac, NY 10541

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:

Masaki Obinata

May 28, 2002

Inventor's signature:

Masaki Obinata

Date:

Residence,

1623-14 Shimotsuruma, Yamato, Kanagawa-ken, Japan

Citizenship:

Japan

Post Office Address: Same

Full name of second inventor:

Arimasa Naitoh

June 3, 2002

Inventor's signature:

Arimasa Naitoh

Date:

Residence,

687-3 Ishikawa, Fujisawa-shi, Kanagawa-ken, Japan

Citizenship:

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Post Office Address: Same

Full name of third inventor:

Masaharu Itoh

May 28, 2002

Inventor's signature:

Masaharu Itoh

Date:

Residence,

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Citizenship:

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Post Office Address: Same

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6197

Ronald Drumheller,

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Full name of fourth inventor: Yasuhiro Horiuchi May 28, 2002

Inventor's signature:

Yasuhiro Horiuchi

Date:

Residence,

1623-14 Shimotsuruma, Yamato, Kanagawa-ken, Japan

Citizenship:

JapanPost Office Address: Same



Atty. Docket No. JP9-2000-0468  
RECORDATION FORM COVER SHEET  
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To The Honorable Commissioner of Patents and Trademarks  
Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): <b>Masaki Obinata, Arimasa Naitoh, Masaharu Itoh &amp; Yasuhiro Horiuchi</b>  Additional name(s) of conveying party(ies) attached? <u>   </u> Yes <u> X </u> No	2. Name and address of receiving party(ies):  Name: <b>International Business Machines Corporation</b> Address: <b>Armonk, NY 10504</b>
3. Nature of conveyance: <u> X </u> Assignment  Execution Date(s): <u>5/28/02 &amp; 6/3/02</u>	4. Patent Application number(s) Serial No. <b>10/066,128</b> Filed: <b>January 31, 2002</b> Execution Date(s): <b>5/28/02 &amp; 6/3/02</b>
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: <b>Ronald L. Drumheller, Esq.</b> Address: <b>94 Teakettle Spout Road Mahopac, New York 10541</b>	6. Total number of applications involved: <b>1</b>  7. Total fee (37 CFR 3.41): <b>\$40.00</b> <u> X </u> Charge to Deposit Account No.: <u>09-0441</u>

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8. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any  
attached copy is a true copy of original document.

Ronald L. Drumheller (Reg. No. 25,674)

Name of Person Signing

Signature

7/10/02

Date

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents and Trademarks  
Box Assignments  
Washington, DC 20231

(JOINT FORM)  
(THREE TO FIVE)

(IBM Docket JP9-2000-0468051)  
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## Assignment

Inventor  
and City

Whereas, we

(1) Masaki OBINATA  
and (2) Arimasa NAITOH  
and (3) Masaharu ITOH  
and (4) Yasuhiro HORIUCHI  
and (5)

of Kanagawa, Japan  
of Kanagawa, Japan  
of Kanagawa, Japan  
of Kanagawa, Japan  
of

have invented certain improvements in

VARIABLE SPEED DISK DRIVE AND METHOD OF CONTROLLING THE DISK DRIVE FROM RECORDED  
DRIVE-SPEED FORMAT INFORMATION

DATES THAT  
INVENTORS  
SIGNED THE  
DECLARATION

and executed, respectively, a United States patent application therefor on  
(1) May 28, 2002, and (2) June 3, 2002, and (3) May 28, 2002, and  
(4) May 28, 2002, and (5) 2002.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York,  
having a place of business at Armonk, New York 10504, (hereinafter called IBM)  
desires to acquire the entire right, title and interest in the said application and  
invention, and to any United States and foreign patents to be obtained therefor,

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged,  
we the above named, hereby sell, assign, and transfer to IBM, its successors and  
assigns, the entire right, title and interest in the said application and invention  
therein disclosed for the United States and foreign countries, and all rights of  
priority resulting from the filing of said United States application, and we request  
the Commissioner of Patents to issue any Letters Patent granted upon the inventions  
set forth in said application to IBM, its successors and assigns; and we hereby agree  
that IBM may apply for foreign Letters Patent on said invention and we will execute  
all papers necessary in connection with the United States and foreign applications  
when called upon to do so by IBM.

CITY	(1) at	Signed and sealed	<u>Masaki Obinata</u>	SIGNATURE
DATE	on	May 28, 2002.	(Masaki FIRST NAME MIDDLE INITIAL OBINATA) LAST NAME	INVENTOR
CITY	and (2) at	Signed and sealed	<u>Arimasa Naitoh</u>	SIGNATURE
DATE	on	June 3, 2002,	(Arimasa FIRST NAME MIDDLE INITIAL NAITOH) LAST NAME	INVENTOR
CITY	and (3) at	Signed and sealed	<u>M. Itoh</u>	SIGNATURE
DATE	on	May 28, 2002,	(Masaharu FIRST NAME MIDDLE INITIAL ITOH) LAST NAME	INVENTOR
CITY	and (4) at	Signed and sealed	<u>Yasuhiro</u>	SIGNATURE
DATE	on	May 28, 2002,	(Yasuhiro FIRST NAME MIDDLE INITIAL HORIUCHI) LAST NAME	INVENTOR
CITY	and (5) at	Signed and sealed		SIGNATURE
DATE	on	2 02,	( FIRST NAME MIDDLE INITIAL LAST NAME	INVENTOR

## LETTER OF AUTHORITY

I, Gerald Rosenthal, Vice President, Intellectual Property and Licensing of International Business Machines Corporation (IBM), a New York corporation, do hereby delegate the authority to approve and execute documents on behalf of IBM relating to proceedings in the Patent, Trademark Registration or Copyright Offices servicing any country or region of the world, or to related appeal proceedings, including, but not limited to: petitions; powers of Attorney; authorizations; verification; nominations of representatives; declarations; documents relating to maintenance and defense of the resulting industrial property rights; assignments of rights to apply for and acquire patents and trademark registrations; and evidence of such assignments; request for the registration of patents as available for licensing; reports of inventions and petitions for waiver of patent rights to any department or agency of the United States Government; and, assignments, licenses and other instruments confirmatory of Government rights in patents and inventions, to Abdi H. Dirie, Manager, Washington Intellectual Property Law.

Date:

Aug. 4, 2000



Gerald Rosenthal  
Vice President, Intellectual Property & Licensing  
International Business Machines Corporation